

REMARKS

A proper 37 C.F.R. §1.116 response to the pending final office action dated December 16, 2003 was filed May 13, 2004. However, as of the date of this filing, a Notice of Allowance has not been received. Accordingly, this request for continued examination is being submitted out of an overabundance of caution to avoid abandonment of this application. This RCE is the same as the §1.116 response (except for this first paragraph), and therefore, meets the requirements of 37 CFR §1.114 including the submission requirements wherein an example is presented as a previously filed amendment after final. MPEP §706.07(h) II.

Claims 6, 8, 12, 14, 18, 20 and 22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3, 6, 8, 13, 20 and 22 of U.S. Application Serial No. 09/148,723 in view of PCT Publication WO98/12738.

Claims 4, 5, 7, 9-11, 16, 17, 21, 45 and 46 stand withdrawn from consideration as being drawn to a non-elected invention.

Applicant's representative held an interview with Examiner Tugbang on April 22, 2004 and pointed out that the pending Office Action was unclear as to whether withdrawn dependent claims 4, 5, 7, 9-11, 16, 17, and 21 would be rejoined with independent claims 12 and 18 after filing of a terminal disclaimer to overcome the provisional double patenting rejection. Applicant's representative

pointed out that since independent claims 12 and 18 would be allowable upon overcoming the provisionally double patenting rejection, such independent claims are generic or linking as to the above-listed dependent claims. The Examiner agreed.

To put this case in form for allowance, the Examiner stated the following: 1) a terminal disclaimer must be filed; and 2) claims 45-46 must be cancelled as being claims directed to another invention, species II, of paper no. 7 which were not elected for prosecution.

In response, a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) is enclosed to overcome the provisional obviousness-type double patenting rejection against claims 6, 8, 12, 14, 18, 20 and 22. Accordingly, the double patenting rejection is overcome and should be withdrawn.

No other rejections are presented against claims 6, 8, 12, 14, 18, 20 and 22, and therefore, such claims are allowable.

Moreover, dependent claims 4, 5, 7, 9-11, 16, 17, and 21 should be rejoined with allowable independent claims 12 and 18, and as dependent claims of allowable independent claims, claims 4, 5, 7, 9-11, 16, 17, and 21 are allowable.

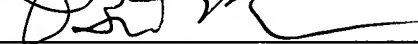
Claims 45-46 are cancelled.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next

anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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